

04-0-1927

AN ORDINANCE



BY COUNCILMEMBERS JIM MADDOX AND CLETA WINSLOW

**AN ORDINANCE TO REPEAL ORDINANCE, 95-O-0526, ADOPTED BY THE CITY COUNCIL ON MAY 1, 1995 AND APPROVED BY THE MAYOR ON MAY 8, 1995, WHICH AMENDED ORDINANCE 94-O-0916 SO AS TO APPLY THE REMOVAL OF THE PENALTY IMPOSED UPON A SURVIVING SPOUSE WHEN HE OR SHE IS MORE THAN 5 YEARS YOUNGER IN AGE THAN THE DECEASED PENSIONER; TO MAKE REMOVAL OF THE PENALTY APPLICABLE TO ALL ACTIVE CITY EMPLOYEES AS OF THE PASSAGE OF THE AGE DISCRIMINATION ACT OF 1967 (AS AMENDED); AND FOR OTHER PURPOSES.**

**WHEREAS**, Ordinance 94-O-0916 adopted by the City Council on September 19, 1994 and approved by the Mayor on September 25, 1994 amended Chapter 5, Pensions, Articles A, B, and C, Sections 5-81(f)(6)(b), 5-171(f)(6)(b) and 5-271(f)(6)(b) entitled "1978 Pension Act", so as to remove penalties imposed upon the widow or widower of a pensioner when the surviving spouse is more than 5 years younger in age than the deceased pensioner; and

**WHEREAS**, Ordinance 95-O-0526 adopted by the City Council on May 01, 1995 and approved by the Mayor on May 08, 1995 amended ordinance 94-O-0916 thereby making 94-O-0916 applicable to all active City employees as of September 25, 1994; and

**WHEREAS**, the City of Atlanta desires to treat all lawful spouses of deceased pensioners equitably by allowing the surviving spouse of a deceased pensioner to receive a beneficiary pension, without regard to the difference in age between the pensioner and his or her spouse, and without regard to whether the pensioner was an active employee as of September 25, 1994.

**NOW, THEREFORE BE IT HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:**

**Section 1:** Ordinance 95-O-0526 adopted by the City Council on May 01, 1995 and



approved by the Mayor on May 08, 1995 is hereby repealed.

**Section 2:** Any monthly beneficiary pension benefit currently being reduced pursuant to Ga. Laws 1978, p. 4546 and codified at Section 6-183, Related Laws Section, City Charter and Code (General Employees Pension Fund); Ga. Laws 1978, p. 4508 and codified at Section 6-479, Related Laws Section, City Charter and Code (Firefighters Pension Fund); and Ga. Laws 1978, p. 4527 and codified at Section 6-331, Related Laws Section, City Charter and Code (Police Officers Pension Fund) shall be recalculated so as remove any difference in age penalties applied since the passage of the Age Discrimination Act of 1967.

**Section 3:** Any penalties heretofore applied, as described above, shall be refunded to the spousal beneficiary so penalized, provided said beneficiary makes application for same.

**Section 3:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

DEC 06, 2004  
DEC 10, 2004

RCS# 6311  
12/06/04  
5:21 PM

Atlanta City Council

Regular Session

CONSENT I                      CONSENT I PG(S) 5-25 EXCEPT 04-O-2102  
                                    04-R-2231 04-R-2224 04-R-2203  
                                    ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

			12-06-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT
1. 04-O-2043	42. 04-R-2128	83. 04-R-2186	104. 04-O-1989
2. 04-O-2044	43. 04-R-2129	84. 04-R-2187	105. 04-O-1990
3. 04-O-2045	44. 04-R-2130	85. 04-R-2188	106. 04-O-1991
4. 04-O-2046	45. 04-R-2131	86. 04-R-2189	107. 04-O-1992
5. 04-O-2098	46. 04-R-2132	87. 04-R-2199	108. 04-O-1993
6. 04-O-2099	47. 04-R-2209	88. 04-R-2200	109. 04-O-1994
7. 04-O-2100	48. 04-R-2210	89. 04-R-2201	110. 04-O-1995
8. 04-O-2110	49. 04-R-2211	Items	111. 04-O-1996
9. 04-O-2115	50. 04-R-2212	Adversed on	112. 04-O-1997
10. 04-O-1434	51. 04-R-2214	Consent	113. 04-O-2054
11. 04-O-1927	52. 04-R-2215	90. 04-R-2178	114. 04-O-2055
12. 04-O-1120	53. 04-R-2084	91. 04-R-2179	115. 04-O-2057
13. 04-O-1972	54. 04-R-2150	92. 04-R-2180	116. 04-O-2059
14. 04-O-2047	55. 04-R-2151	93. 04-R-2181	117. 04-O-2116
15. 04-O-0649	56. 04-R-2152	94. 04-R-2182	118. 03-R-1387
16. 04-O-1753	57. 04-R-2155	95. 04-R-2183	119. 04-R-2120
17. 04-O-1802	58. 04-R-2133	96. 04-R-2184	120. 04-R-2136
18. 04-O-1823	59. 04-R-2134	97. 04-R-2190	121. 04-R-2137
19. 04-O-2050	60. 04-R-2202	98. 04-R-2191	122. 04-R-2140
20. 04-O-2051	61. 04-R-2205	99. 04-R-2192	123. 04-R-2141
21. 04-O-2052	62. 04-R-2206	100. 04-R-2193	124. 04-R-2142
22. 04-O-2053	63. 04-R-2158	101. 04-R-2194	125. 04-R-2143
23. 04-O-2061	64. 04-R-2159	102. 04-R-2195	126. 04-R-2144
24. 04-O-2086	65. 04-R-2160	103. 04-R-2196	127. 04-R-2216
25. 04-O-2087	66. 04-R-2161		128. 04-R-2220
26. 04-O-2021	67. 04-R-2162		129. 04-R-2221
27. 04-O-2049	68. 04-R-2163		
28. 04-R-2145	69. 04-R-2164		
29. 04-R-2146	70. 04-R-2165		
30. 04-R-2147	71. 04-R-2166		
31. 04-R-2148	72. 04-R-2167		
32. 04-R-2149	73. 04-R-2168		
33. 04-R-2204	74. 04-R-2169		
34. 04-R-1970	75. 04-R-2170		
35. 04-R-2121	76. 04-R-2171		
36. 04-R-2122	77. 04-R-2172		
37. 04-R-2123	78. 04-R-2173		
38. 04-R-2124	79. 04-R-2174		
39. 04-R-2125	80. 04-R-2175		
40. 04-R-2126	81. 04-R-2176		
41. 04-R-2127	82. 04-R-2177		

(Do Not Write Above This)

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ADOPTED BY  
DEC 06 2004  
COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 10/18/04  
Referred To: Finance/Executive  
Date Referred (to Pension Boards)  
Referred To:  
Date Referred  
Referred To:  
Referred To:

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

FIN Committee Executive  
10-29-04

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

10-5-657  
12/29/04

Committee

Date

Chair

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Fav, Adv, Hold (see rev. side)

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Refer To

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FINAL COUNCIL ACTION  
☒ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

DEC 06 2004

APPROVED  
JIM MADDOX  
MAYOR

DEC 06 2004  
MAYOR'S ACTION

MAYOR'S ACTION

DEC 10 2004  
MAYOR